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MODIFICATION OF  
CONSENT ORDER NO. 90-N243

## MODIFICATION

Section IV, Paragraph 8(c) is modified to include the following language only:

The parties hereby agree that the requirement set forth in WAC 173-303-640(4)(b) requiring the application of an impervious coating to secondary containment surfaces shall be deferred to September 12, 1991, or until EPA identifies the corrective measures to be performed at the facility, whichever occurs first.

All other conditions and agreements contained in Consent Order No. 90-N243 shall remain in effect.

W. L. Perkins June 11 1991

Chempro Division  
Burlington Environmental

Julie Sellick, Supervisor  
Solid & Hazardous  
Waste Section  
Department of Ecology

Modification of  
Consent Order No. 90-N243

USEPA RCRA



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In the Matter of )  
 )  
CHEMICAL PROCESSORS, INC. )  
PIER 91 FACILITY ) CONSENT ORDER  
SEATTLE, WASHINGTON ) No. 90-N243  
(WAD000812917), )  
 )  
Respondent. )  
\_\_\_\_\_ )

I. JURISDICTION

1. This Administrative Order (Consent Order or Order) is entered pursuant to the authority given to the Washington State Department of Ecology (Ecology) by RCW 70.105.130 and the Resource Conservation and Recovery Act of 1976 (as amended), 42 U.S.C. § 6901, et seq. (RCRA).

2. This Consent Order is issued to Chemical Processors, Inc. (Respondent) as the operator of the Pier 91 facility (the facility) located at 2001 West Garfield, Seattle, Washington, 98119.

3. The following item is attached to this Order and is, by this reference, incorporated herein: Attachment A, Pier 91 Tank Containment Upgrade.

1 If and when a RCRA Part B Permit is issued by Ecology for  
2 the facility, the permit may incorporate applicable provisions  
3 of this Order which may include items incorporated into or to  
4 be incorporated into this Order.

5 4. Respondent agrees that this Order may be issued in  
6 its present form containing the findings of fact, conclusions  
7 of law and administrative commands set forth below, and that  
8 it will not contest that Ecology has jurisdiction to issue the  
9 Order, to require compliance with the Order, and to obtain  
10 hereafter (judicially and/or administratively) any applicable  
11 ch. 70.105 RCW sanctions for violations of this Order.

12 **II. STATEMENT OF PURPOSE**

13 5. The purpose of this Order is to ensure continued  
14 compliance with interim status regulations now or to be in  
15 effect under WAC 173-303-640 with respect to the facility.

16 **III. FINDINGS OF FACT**

17 6. The Pier 91 facility is located at 2001 West  
18 Garfield, Seattle, Washington. Storage and treatment for  
19 hazardous wastes in containers and tanks occurs at the  
20 facility. Respondent's corporate office is located at 2203  
21 Airport Way South, Seattle, Washington.

22 Respondent began operations at the facility in August  
23 1970. Notification and a Part A Permit Application for  
24  
25

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1 Hazardous Waste Activity were submitted to EPA for the Pier 91  
2 facility in August 1980. Respondent currently operates under  
3 interim status.

4 A Part B Permit Application for the Pier 91 facility was  
5 submitted to Ecology and the U.S. Environmental Protection  
6 Agency (EPA) on November 4, 1988. Respondent is working with  
7 Ecology toward the issuance of a Part B RCRA Permit sometime  
8 in 1991. In addition, a RCRA Facility Investigation (RFI) is  
9 being conducted at the facility under an Agreed Order issued  
10 by EPA pursuant to § 3008(h) of RCRA issued on September 30,  
11 1988 (EPA Order). A RFI and a Corrective Measures Study (CMS)  
12 must be conducted pursuant to the EPA Order.

13 By January 12, 1991, tanks at the facility which meet the  
14 conditions specified in WAC 173-303-640(4)(a)(iv) must have  
15 secondary containment that meets the requirements of WAC 173-  
16 303-640(4)(b). To meet the requirements of WAC 173-303-  
17 640(4)(b) by the above date, Respondent will complete the work  
18 specified in Attachment A - Tank Containment Upgrade, subject  
19 to the following exceptions:

20 (A) Application of the impervious coating to the  
21 secondary containment surface may interfere or conflict  
22 with the identified corrective measures to be established  
23 under the EPA Order. Respondent and Ecology have agreed  
24 to defer compliance with the WAC 173-303-640(4)(b)  
25 requirement relating to application of the impervious

1 coating to the secondary containment surface(s) until  
2 June 12, 1991, or until EPA identifies the corrective  
3 measures to be performed at the facility, whichever  
4 occurs first. If the CMS becomes available prior to  
5 June 12, 1991 and identifies corrective measures that  
6 unreasonably interfere or conflict with the impervious  
7 coating application requirement, or if circumstances  
8 otherwise justify extending the June 12, 1991 deadline,  
9 Respondent and Ecology may amend this Order.

10 (B) Respondent and Ecology have agreed to defer  
11 compliance with the WAC 173-303-640(4)(b)(i) requirement  
12 relating to secondary containment of tanks (specifically  
13 Chempro's completion of installation of double bottoms in  
14 four tanks located in the hazardous waste area) until  
15 March 31, 1991.

#### 16 IV. CONCLUSIONS OF LAW

17 7. Based upon the findings of fact set forth in  
18 Section III above, Ecology makes the following conclusions of  
19 law and determinations:

20 A. Respondent is a "person" as defined in WAC 173-  
21 303-040(65).

22 B. Respondent is the operator of a "facility" as  
23 defined in WAC 173-303-040(30) that is operating subject to  
24 the requirements of WAC 173-303-805 and 42 U.S.C. § 6925(e).

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26 CONSENT ORDER

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1 C. Respondent has timely filed a Part B Permit  
2 Application for the Pier 91 facility with Ecology and EPA  
3 pursuant to WAC 173-303-806.

4 D. Respondent is subject to EPA Agreed Order,  
5 Docket No. 1089-11-06-3008(h) issued to Respondent on May 7,  
6 1990 by EPA pursuant to § 3008(h) of RCRA, 42 U.S.C.  
7 § 6928(h). The EPA Order requires Respondent to perform a  
8 RCRA Facility Investigation (RFI) and a Corrective Measures  
9 Study (CMS) with respect to the Pier 91 facility and one or  
10 more releases of hazardous wastes and/or constituents that  
11 have occurred at the facility.

12 E. In the event Respondent is issued a final  
13 facility permit under WAC 173-303-806 and the comparable  
14 provisions of 42 U.S.C. § 6925, such permit may contain  
15 applicable requirements of this Order and the EPA Order which  
16 is referenced on page 3 herein.

17 IV. ORDER

18 8. Accordingly, it is hereby ordered that the  
19 Respondent shall perform, comply with, and obey each of the  
20 provisions hereinafter set forth in this Agreed Order:

21 A. Respondent shall perform all work necessary to be in  
22 compliance with the requirements of WAC 173-303-640  
23 in the manner and by the dates described in this  
24 Order, its attachments, and in the EPA Order.

25  
26 CONSENT ORDER

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- 1 B. Respondent shall implement the requirements of WAC  
2 173-303-640 pursuant to the Work Plan, attached  
3 hereto as Attachment A, and the Respondent shall  
4 implement the requirements of the Work Plan  
5 consistent with the schedules contained therein.
- 6 C. The parties hereby agree that the requirement set  
7 forth in WAC 173-303-640(4)(b) requiring the  
8 application of an impervious coating to secondary  
9 containment surfaces shall be deferred to June 12,  
10 1991 or until EPA identifies the corrective measures  
11 to be performed at the facility, whichever occurs  
12 first. If the CMS becomes available prior to  
13 June 12, 1991 and identifies corrective measures  
14 that unreasonably interfere or conflict with the  
15 impervious coating application requirement, or if  
16 circumstances otherwise justify extending the  
17 June 12, 1991 deadline, Respondent and Ecology may  
18 amend this Order. Circumstances which may justify  
19 extending the deadline include inclement weather  
20 and/or a not yet completed CMS determination.
- 21 D. The parties hereby agree that compliance with the  
22 WAC 173-303-640(4)(b)(i) requirement relating to  
23 secondary containment of tanks (specifically  
24 Chempro's completion of installation of double  
25  
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1 bottoms in four tanks located in the hazardous waste  
2 area) will be deferred until March 31, 1991.

- 3 E. All communications between Respondent and Ecology,  
4 and all documents, reports, approvals and other  
5 correspondence concerning the activities performed  
6 pursuant to the terms and conditions of this Order  
7 shall be directed to Ecology at:

8 Washington State Department of Ecology  
9 Northwest Regional Office  
4350 - 150th Avenue N.E.  
Redmond, Washington 98052-5301

- 10 F. Compliance by Respondent with the terms of this  
11 Order shall not relieve Respondent from its  
12 obligation to comply with RCRA or any other  
13 applicable local, state or federal laws and  
14 regulations.

- 15 G. This Order is not intended to be (nor shall it be  
16 construed as) a permit. This Order does not relieve  
17 Respondent of any obligation to obtain and comply  
18 with any local, state or federal permits.

- 19 H. This Order may be modified only as provided by  
20 mutual agreement of Respondent and Ecology. Agreed  
21 modifications shall be in writing, signed by the  
22 authorized representatives of the Respondent and  
23 Ecology.



1 The effective date of this Order shall be the date on  
2 which it is signed and issued by Ecology.

3 DATED this 9<sup>th</sup> day of January, 199~~8~~<sup>1</sup>. (AAS)

4  
5 Milal P. Kuri  
6 Chemical Processors

7 Julie A. Sellick  
8 Julie Sellick  
9 Solid Waste Section Head  
10 State of Washington  
11 Department of Ecology

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CONSENT ORDER

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PIER 91 TANK CONTAINMENT UPGRADE

## Scope of Work

Objective - This project will involve upgrading the secondary tank containment at Chemical Processors Pier 91 facility. This upgrade is required under WAC 173-303-640 for the area handling hazardous materials.

Description - The berms in this area will be constructed to provide containment for 100% of the largest tank volume plus the 25 year/24 hour rainfall event. Repairs will be made to the existing concrete surface, and the surface graded to provide drainage. Blind sumps will be inspected and repaired as needed to insure adequate containment.

## Detailed Scope of Work

- 1) Perform detailed engineering for containment upgrade including obtaining survey data to establish the required drainage slopes.
- 2) Relocate existing process piping and electrical wiring as required to facilitate berm installation.
- 3) Construct berms to isolate tanks from remaining tank farm.
- 4) Resurface the existing concrete slabs to provide a smooth well drained surface.
- 5) Install galvanized steel liners in the existing sumps and valve pits as required.
- 6) Install side nozzles and seal bottom piping penetration in tanks.
- 7) Conduct crack assessment of existing slabs to determine extent of required repairs. This assessment will be based on only repairing visible cracks. Install external waterstop between the tank shell and the existing concrete slab.
- 8) Installation of double bottoms in tanks to provide secondary containment.

- 9) Application of impervious coatings will be deferred pending resolution of the required corrective actions under the EPA 3008(h) Order.

**Schedule of Implementation**

**By January 12, 1991:**

Items 1 through 7

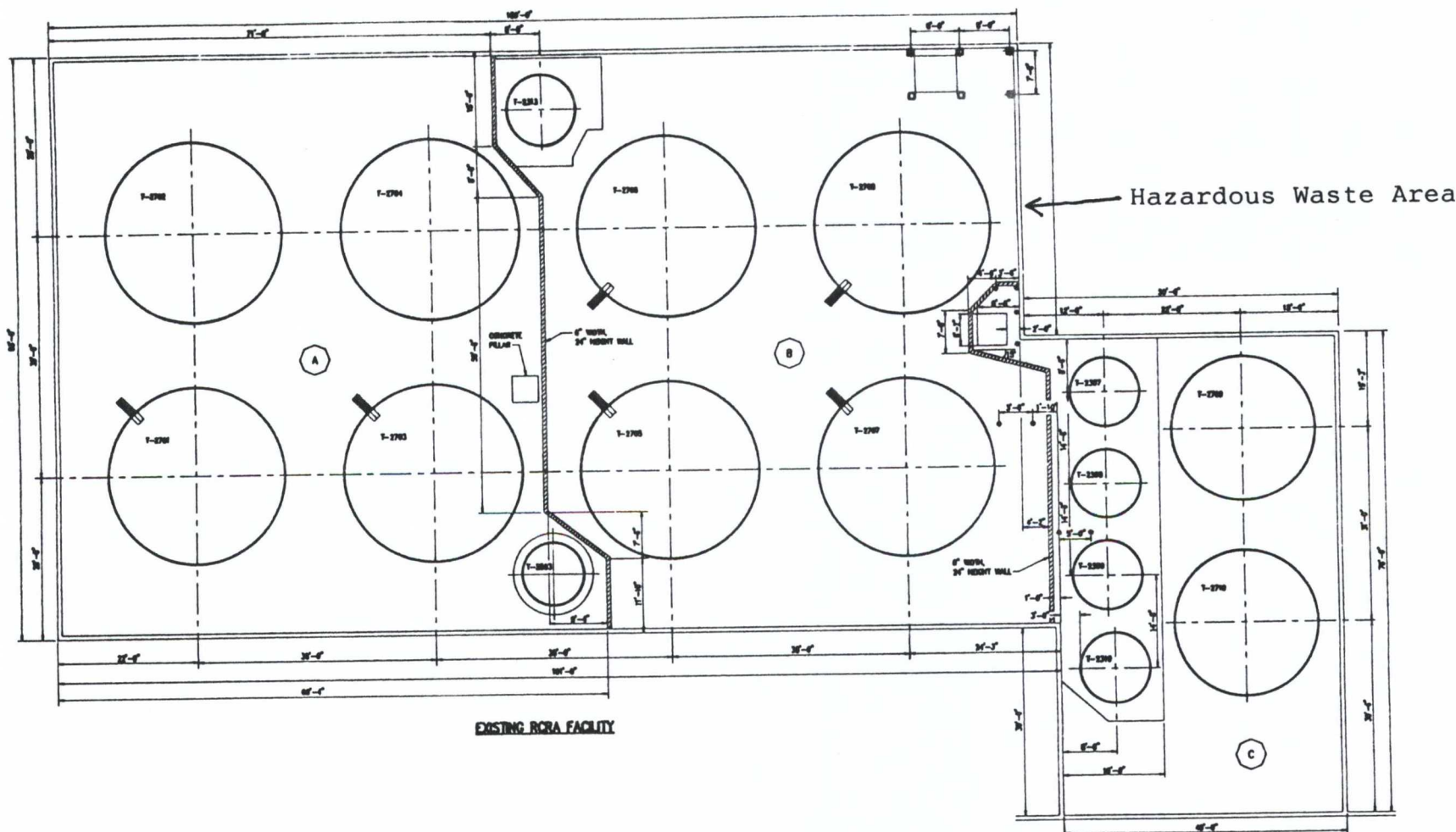
**By March 31, 1991:**

Item 8: Complete installation of double bottoms in tanks.

**After Resolution of Required Corrective Measures:**

Item 9: Apply impervious coating to containment as soon as weather conditions permit.





7-20-80		REVISION	
DATE		REVISION	
CHEMICAL PROCESSORS, INC.			
2203 AIRPORT WAY SO., SUITE 400 SEATTLE, WASHINGTON 98134			
CONTAINMENT WALL ADDITION PIER IN FACILITY			
DESIGNED BY	DATE	APPROVED BY	DATE
10-1-80	10-1-80		
10-1-80		10-1-80	